COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND
30 North Market Street • Frederick, Maryland 21701
Phone (301) 600-1138 • Fax (301) 600-1645 http://www.frederickcountymd.gov

How to Determine a Property's Subdivision Potential

1. **Where is the property located?**
   Contact the Maryland State Tax Assessment Office or visit their web site to obtain the property's state tax map, grid, parcel number, and tax identification number. Also determine the size of the parcel and what road(s) abut the property.

2. **What is the zoning of the property?**
   The subdivision potential of any parcel of land is dependent upon the zoning of that parcel. This information may be obtained from the Frederick County Zoning Office
   (Note; the land use category listed on the State Tax Assessment printout is NOT the County zoning designation.)

3. **How many lots can be subdivided?**
   a. **Agricultural Zoning:** In order for an Agriculturally zoned parcel to have subdivision potential, the parcel must have been created **BY or BEFORE AUGUST 18, 1976**. Any parcel or lot created after this date cannot be subdivided. To make this determination, you must obtain copies of the deeds going back to at least 1976. You will find your deeds at the Frederick County Court House.
   Any lot created since 1976 will be deducted from the total subdivision potential with the subject property. Additions to the original tract may not be subdivided. Additions away from the original parcel do not count as subdivisions.

   If the property existed by or before August 18, 1976, the parcel may qualify for 3 subdivided lots and a remainder. New lots (as well as the remainder) must be a minimum size of 40,000 square feet (0.91 acres +/-) and have road frontage on a public road. If the agricultural parcel is greater than 25 acres, it may be entitled to additional agricultural cluster rights. To qualify for these Ag Cluster Rights, all lots must be "clustered" together and be between 40,000 square feet and 2 acres in size. The total area of all of the lots combined must average no more than 1.5 acres. See chart for the number of additional lots allowed:

Ag Parcel Size	Cluster Rights	Conventional Rights	Total
0-25 acres	**0**	**3+ remainder**	**3+ remainder**
25.1 – 75 acres	**1**	**3+ remainder**	**4+ remainder**
75.1 – 125 acres	**2**	**3+ remainder**	**5+ remainder**
125.1 - 175	**3**	**3+ remainder**	**6+ remainder**
175.1 – 225*	**4**	**3+ remainder**	**7+ remainder**

** cluster rights beyond 225 acres are 1 per every additional 50 acres. All Ag Clusters must be approved by the Frederick County Planning Commission. Also, see general requirements below.*

   b. **Resource Conservation, R-1, R-3, R-5, R-8, R-16, Village Center, etc.** There are no restrictions to the number of lots that can be subdivided from parcels within these zoning districts. There are, however, minimum lot size requirements. Contact the Zoning Office or visit the County web site for more information.

4. **General requirements.** All proposed subdivisions must comply with the Frederick County Zoning Ordinance and the Subdivision Regulations. This includes, but is not limited to; road frontage

requirements (minimum 20' fee simple for each lot and remainder), adequate wells and septic locations, floodplain and wet soils restrictions. Access must be to a County or State Roadway that is a minimum 16' in width.
If a parcel has had 6 or more lots created from it since 1965, it will be considered a major subdivision, which will require Frederick County Planning Commission approval. If 6 or more lots have been created since 1991, any future subdivision will be required to comply with the Frederick County Adequate Public Facilities Ordinance.

Subdivisions must also comply with the Frederick County Forest Resource Ordinance.

5. **How to begin the subdivision process.** You must employ a Maryland licensed surveyor/engineer to create a subdivision plan for review by the Frederick County Government and state agencies. Upon review and approval from these agencies, the County will record the plat in the Land Records Office with the Clerk of Court. Upon recordation, you must have a confirmatory deed created for the remainder and all subdivided lots.

REFERENCES AND CONTACT INFORMATION

Frederick County Community Development Division: 30 North Market St, Frederick, MD 21701 (301) 600-1138 www.frederickcountymd.gov/planning

State Dept. of Assessments and Taxation Office: 5310 Spectrum Dr. Suite E, Frederick, MD 21701 (301)815-5350, www.dat.state.md.us

Frederick County Court House: 100 West Patrick St, Frederick MD 21701 (301)694-1980

The following ordinances and regulations can be accessed through the Community Development Division web page at www.frederickcountymd.gov/planning or may be purchased from the Community Development Division office at 30 N. Market St.

- Subdivision Regulations
- Zoning Ordinance
- Adequate Public Facilities Ordinance (APFO)
- Forest Resource Ordinance (FRO)

An official subdivision potential verification letter from the Community Development Division is available upon request. Submit all the information that is outlined hereon along with a cover letter and a check made out to the Treasure of Frederick County.

NOTICE/DISCLAIMER

The information contained in this letter does not constitute legal advice and is not binding on Frederick County in any respect. It is based solely on the documents and information you have provided. The information provided in this letter is general in nature and the conclusions reached in this letter are general, and subject to being modified by other documents or information that was not provided. Additionally, any subdivision or development of the property is subject to many regulations and requirements—including but not limited to – Frederick County Subdivision Regulations, Frederick County Zoning Ordinance, Health Department Regulations, and site plan approval process before the Frederick County Planning Commission. There may also be other laws and regulations (federal, state and local), which apply to any development or subdivision of the property.